

**Danielle Anne Phillip**  
(312) 840-3232  
dphillip@brinksgilson.com

BRINKS  
GILSON  
& LIONE

November 6, 2015

**VIA ECF & EMAIL**

The Honorable Cathy Seibel  
United States District Court Judge  
The Hon. Charles L. Brieant Jr. Federal Building and Courthouse  
U.S. Court for the Southern District of New York  
300 Quarropas Street  
White Plains, NY 10601-4150  
Email: chambersnysdseibel@nysd.uscourts.gov

**Re:    *The Wave Studio, LLC v. British Airways Plc, et al.,*  
      No. 7:15-cv-07950-CS (S.D.N.Y.)**

Dear Judge Seibel:

I represent Defendants British Airways Plc and Swiss International Air Lines Ltd. (“Swiss”) in the above-referenced action (the “British Airways Action”). Pursuant to Your Honor’s Individual Rules, I write on behalf of British Airways and Swiss to request consolidation of the British Airways Action with an action currently pending before this Court captioned, *The Wave Studio, LLC v. General Hotel Management Ltd., et al.*, No. 7:13-cv-09239-CS-PED (the “GHM Action”), a stay of proceedings as to the Defendants named in the British Airways Action, and an extension of time to respond to the Complaint.

On October 7, 2015, the British Airways Action was transferred from the U.S. District Court for the Northern District of California, and subsequently, on October 8, 2015, was assigned to Your Honor as related to the GHM Action. Wave’s Complaint in the British Airways Action alleges Defendants infringed some of the same copyrights to certain photographs of hotels as those at issue in the GHM Action. As a result, whether GHM was authorized to distribute such hotel photographs to Defendants is an issue in the British Airways Action.

Counsel for Plaintiff The Wave Studio, LLC (“Wave”) and Defendant Travix Travel USA Inc. (“Travix”), and the undersigned counsel have met and conferred via telephone conference and electronic mail and agree that the British Airways Action should be consolidated with the GHM Action and that the stay currently in place in the GHM Action should apply to the British Airways Action. Additionally, British Airways’, Swiss’, and Travix’s (collectively, the “Stipulating

Hon. Cathy Seibel  
November 6, 2015  
Page 2

Defendants”) responses to the Complaint currently are due on November 9, 2015. Based on the parties’ agreement that the stay in the GHM Action should apply to the British Airways Action, the parties have agreed that the time for the Stipulating Defendants to respond to Wave’s Complaint be extended from November 9, 2015 to twenty-one (21) days after the stay in the GHM Action is lifted. This is the second extension requested by the Stipulating Defendants since the British Airways Action was transferred to this Court.

For the foregoing reasons, British Airways and Swiss respectfully request that the British Airways Action be consolidated with the GHM Action, that the consolidated action shall be stayed as to all Defendants except GHM, and that the Stipulating Defendants’ deadline to respond to the Complaint be extended from November 9, 2015 to 21 days after the stay in the GHM Action is lifted. A copy of the Stipulation and [Proposed] Order to Consolidate Cases, to Stay Litigation, and to Extend the Time to Respond to Complaint, which has been executed by the undersigned counsel and counsel for Wave and Travix, is attached.

Respectfully submitted,



Danielle Anne Phillip

Attachment

cc: All parties via ECF  
David Urman  
Rick Sanders